S.B.

(1)

BEFORE THE HON'BLE HIGH COURT OF CHHATTISGARH
AT BILASPUR (C.G.)

Single Bench

M.C.C. NO. 165 /2006

(3)

(ARISING OUT OF THE S.A. NO. 464/2005)

APPLICANT

Samaliya Ram, aged about 55 years, son of Shri Beer Singh Dewangan, Cultivator, resident of village Navagaon, Tahsil Kurud, Distt. Dhamtari (C.G.)

P.R. No. 861/06
Presented by Shri Rama Kant Sahu
dated 30/3/06

VERSUS

RESPONDENTS

1. Kusum Bai, D/o. Pardeshi Ram Gond, aged about 46 years

2. Geeta Bai, D/o. Pardeshi Ram, aged about 36 years,

Both are resident of Jhuniapara, Kankar, Tahsil and Distt. Kanker (C.G.)

3. Sub Divisional Officer, Patan, Office situated at Patan, Distt. Durg (C.G.)

4. State of Chhattisgarh, through – Collector Durg, Distt. Durg (CG)

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30-3-06
CLERK to A. G. BILASPUR

APPLICATION FOR RESTORATION SECOND APPEAL NO. 464/2005, DISMISSED IN DEFAULT ON 7.12.2005

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक M.C.C. No. 165/2006 सन् 200

विरुद्ध

(17)

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	25.04.2006 Shri N.S.Dhurandar, learned counsel for the applicant. Shri Akhil Agrawal, learned P.L. for the State/resp. No.4. Heard. The applicant has preferred this application for restoration of Second Appeal No. 464/2005 which was dismissed by this Court on 07.12.2005 for non prosecution. Since the instant application has been preferred with a delay of 83 days, another application being M.C.P. No. 529/2006 for condonation of delay has also been filed which is supported by an affidavit of the counsel for the applicant. Heard on M.C.P. No. 529/2006 application for condonation of delay in filing the instant application. For the reasons mentioned in the said application, the same is allowed and the delay in filing the instant application is condoned. Also heard on the application for restoration. Learned counsel for the applicant submits that the matter was listed on 07.12.2005 however, the counsel could not be present when the case was called as he was appearing before the other Bench. Taking into consideration the reasons assigned for non appearance on 07.12.2005, the instant application is allowed and the Second Appeal No. 464/2005 which was dismissed on 07.12.2005 is ordered to be restored to its original number subject to payment of penalty of Rs. 100/- payable to the Secretary, High Court Legal Aid Committee, Bilaspur. **Sd/-** **Dhirendra Mishra** **Judge**	